Serial No. 09/980,434   Filed: November 28, 2001
Response to Office Action dated September 5, 2008
Filed December 19, 2008

REMARKS

Claims 1-64 are pending in the present application. Claims 1-10, 4-17, 21, 25, 27-35, 39-40, 43-44, 49-51, and 55-62 were amended. No new matter has been added. Applicant respectfully requests reconsideration of the pending Claims in view of the following remarks.

Claim Rejections pursuant to 35 U.S.C. §112 second paragraph

Claim 1 was rejected as indefinite pursuant to 35 U.S.C. §112 second paragraph for including the terms "down data." On page 2 of the office action mailed September 5, 2008, it was asserted that "The term 'down data' in claim 1 is used by the claim to mean 'down data designating a plurality of destinations of notification to which the location information is to be transmitted." Applicant respectfully traverses this definition since no such limitations are described in Claim 1. Moreover, Applicant respectfully traverses the assertion on page 2 of the office action that the "accepted meaning is 'down data as a **character string**'" since no evidentiary support for such an interpretation has been provided, and Applicant is aware of no such "accepted meaning" for these terms.

Instead, Applicant respectfully asserts that the term "down data" was used simply to describe data received from a computer through a mobile communication network. Further, although Applicant respectfully asserts that the term "down data" is well supported by the specification, in the interest of compact prosecution and to eliminate any doubt as to the meaning of "down data," Applicant has amended Claim 1 and all of the presently pending claims to eliminate the term "down" so that the presently pending claims simply recite the term "data." This amendment was not made in view of the cited prior art, and is not a narrowing amendment. Since the terms "down data" no longer appear in presently pending Claim 1, Applicant respectfully requests withdrawal of the 35 U.S.C. §112 second paragraph rejection of Claim 1.

Claim Rejections pursuant to 35 U.S.C. §103(a)

Claims 1, 8-22, 27, 33-45, 49, 52-55, 58-60, and 62-64 were rejected pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,677,894 to Sheynblat et al. (hereinafter "Sheynblat"). Applicant respectfully traverses these rejections because Sheynblat fails to teach, suggest or describe each and every limitation of presently pending Claims 1, 8-22, 27, 33-45, 49, 52-55, 58-60, and 62-64.

Claims 1 and 8-22

Specifically, the method of Claim 1 describes a mobile communication terminal upon acquisition of said location information, substituting said acquired location information for a portion of said data in accordance with said description format. The cited portions of Sheynblat, on the other hand simply describe fill in forms that allow manual entry by a user of values to indicate the position of the user. (Col. 20 lines 57-61) Clearly, data that is manually entered by a user in a fillable form and a mobile communication terminal ...substituting acquired location information for a portion of data are entirely different and wholly unrelated.

In addition, Claim 8 describes said location information is acquired and transmitted at predetermined intervals. Contrary to the assertions on page 4 of the office action mailed September 5, 2008, Sheynblat fails to teach or suggest such limitations, and instead simply describes operation of a web server to "derive representations" using the location of the client. (Col. 21 lines 28-31). Also, contrary to the assertions on page 4 of the office action mailed September 5, 2008, Sheynblat fails to teach or suggest transmitting said location information acquired at said predetermined intervals during the period from a time point to another time point designated by said data as described in Claim 9, or transmitting said accumulated location information acquired at said predetermined intervals at a time point designated by said data. In fact, Sheynblat is wholly silent regarding any form or time designated by data containing a request for location information as described in Claims 9 and 10 respectively. Further, Claims 14-17 were all

rejected based on Col. 20 line 57 through Col 21 line 4 of Sheynblat, however, the cited portions of Sheynblat fail to teach or suggest the limitations of these Claims. For example, Claims 14 and 15 describe disclosure information indicating whether said location information is to be disclosed to said computer is stored, in advance, in a predetermined storage means, and transmitting a notice of rejection, respectively. Sheynblat fails to teach or suggest such disclosure information or transmission of a notice of rejection, and the cited portions of Sheynblat are wholly silent in this regard.   Claim 16 describes said mobile communication terminal is configured to acquire location information by any of a plurality of different location measuring methods and said acquiring step includes the step of selecting a location measuring method designated by said data from among said plurality of said location measuring methods.   Sheynblat is again wholly silent regarding any form of selection of a location measuring method designated by data.   Claim 17 describes that said data contains a designation of a quality condition of location information. Contrary to the assertions on page 6 and 7 of the office action mailed September 5, 2008, Sheynblat fails to teach or suggest any form of a quality condition designation.

Claims 27 and 33-45

        Claim 27 describes that wherein said processor is further configured to substitute said acquired location information for said received data in accordance with said description format. Sheynblat, on the other hand, fails to describe a processor configured to substitute anything, and instead simply describes manually fillable forms, as previously discussed. With regard to Claims 33-35, and Claims 39-41, on page 8 of the office action mailed September 5, 2008, it was asserted that the rejections were based on the same rational as set forth in connection with the rejection of Claims 1 and 8-22, however, the cited portions of Sheynblat describe operation of a Web server (Col. 20 line 57 through Col. 21 line 4), whereas Claims

33-35, and Claims 39-41 describe a mobile terminal.   Clearly a server and a terminal are wholly different in operation and functionality.

Claim 49, 52-60

Claim 49 describes a microcomputer configured to replace a portion of said received data with said acquired location information. On page 8 it was asserted that Claim 49 was rejected for the same reasons Claim 1 was rejected. Applicant respectfully traverses this rejection not only because Claim 49 and Claim 1 are not duplicative, but also because Sheynblat fails to teach or suggest a microcomputer configured to replace of a portion of received data with acquired location information.   Instead, Sheynblat simply describes a fill-in form that can be transmitted from a web server in a web page without any discussion of a microcomputer, or replacement of a portion of received data with acquired location information as described in Claim 49.

Also, Claim 52 describes a selectable status indication determinable by said microcomputer. The cited portion of Sheynblat, on the other hand, simply describe a basic wireless phone system configuration. (Col. 6 lines 47-61) Contrary to the assertions on pages 8 and 9 of the office action, Sheynblat fails to teach or suggest a manually selectable status indicator as described in Claim 53. Instead, Sheynblat simply describes a web page fillable form to obtain location information, which is clearly entirely different than a selectable status indicator.   It follows that Sheynblat cannot possibly describe a selectable status indicator that comprises at least one of a home, moving in a car, moving on a train, or in a meeting as described in Claim 54. Moreover, contrary to the assertions on page 9 of the office action mailed September 5, 2008, Sheynblat fails to teach or suggest determination prior to transmission...whether a source of said data is authorized to receive location information as described in Claim 55. Further, Applicant respectfully traverses that Sheynblat teaches or suggests transmission of up data each time location information is acquired until a time specified in the transmitted data is reached as

described in Claim 58, transmission of up data at a time specified in said data as described in Claim 59, or designation of a location information measurement method as described in Claim 60. To the contrary, the cited portions of Sheynblat simply describe operation of a web server (Col. 21 lines 23-44), not a mobile communication terminal as described in Claim 59, or a cell based wireless communication system (Col. 6 lines 47-61), which is wholly unrelated to designation of a location measurement method as described in Claim 60.

Claim Rejections pursuant to 35 U.S.C. §103(a)

Claims 2-7, 23-26, 28-32, 46-48, 50-51, 56-57, and 61 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Sheynblat and U.S. Patent No. 6,609,005 to Chern (hereinafter "Chern") Applicant respectfully traverses these rejections because the cited combinations of the references fail to teach, suggest, or disclose each and every limitation of the Claims, and thus a *prima facie* case of obviousness in view of the cited references cannot be maintained.

Claims 2-7, 28-32 and 57

Applicant respectfully asserts that the combination of Sheynblat and Chern fails to teach or suggest all the limitations described in Claims 2-7 or Claims 28-32. Specifically, neither Sheynblat nor Chern describe detection of a character string requesting any particular information such as location information acquisition time (Claims 2 and 28) or a state of a user (Claims 3-4 and 29-30). To the contrary, Sheynblat simply describes a manually fillable form provided as a web page, and Chern simply describes manual user selections of either a web service or a telephone number (Col. 9 lines 18-22) and automated addition of local information (user preferences, schedule, or contact information) to the user entered information (Col. 9 lines 45-53). Thus, Chern simply describes detection of manually selected web service requiring local information, not detection of a character string in data received through a mobile communication network as described in the Claims. In

addition, neither Sheynblat nor Chern describe substituting acquired information
for a character string (Claims 5 and 31), or data that includes an address to which
location information is to be transmitted (Claim 6), or transmitting resulting data to
a plurality of addresses in succession (Claims 7, 32 and 57). To the contrary,
Sheynblat is silent, and Chern simply describes a manual user selection of a URL to
which local information is appended (Col. 9 lines 56-61), not data containing an
address (or addresses) received through a mobile communication network as
described in the Claims.

Claim 23

On pages 14 and 15 of the office action, it was asserted that Sheynblat
described acquiring by said mobile communication terminal location information
indicating said location of said mobile communication terminal for use by a
destination mobile communication terminal as described in Claim 23. However, no
citation of Sheynblat is provided to support this assertion, and Applicant is unable
to identify anywhere in Sheynblat where acquiring anything for use by a
destination mobile communication terminal is taught or suggested.   Accordingly,
Applicant respectfully requests citation of the portions of Sheynblat that are
applicable to Claim 23, and an opportunity to fully respond to such citations in a
non-final office action response. *see* MPEP 707

In addition, Claim 23 describes transmitting, by said mobile communication
terminal, said pre-stored network address for receipt by said destination mobile
communication terminal after adding said acquired location information to said pre-
stored network address. Contrary to the assertions on page 15 of the office action
mailed September 5, 2008, neither Chern nor Sheynblat describe transmission of
anything for receipt by a destination mobile terminal. Instead, both Chern and
Sheynblat describe communication with a server, not transmission for receipt by a
destination mobile terminal. Moreover, the method of Claim 23 describes said
mobile communication terminal retrieving from memory a pre-stored network

address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information. Contrary to the assertions on page 15 of the office action mailed September 5, 2008, neither Chern nor Shyenblat teach or suggest a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information. To the contrary, Shyenblat is silent, and Chern simply describes user selection of a web service to answer an information request by said user. (Col. 9 line 56) Although Chern describes a URL of the user selected web service, the URL allows Chern's browser to proceed to the server addressed by the URL so that the server can carry out the request. (Col. 9 lines 65-67 and Col. 10 lines 1-3) Clearly, a web server is not a destination mobile communication terminal. Moreover, even if Chern's server could somehow be construed as a destination mobile communication terminal, which is clearly not the case, Chern very clearly fails to teach or suggest a server that provides map location information that is accessible by Chern's server in conjunction with location information as described in Claim 23.

Claim 46

Applicant respectfully traverses the assertion that Claim 46 corresponds to method Claim 23 since the language of these Claims is different. For example, Claim 46 describes transmitting means is configured to transmit said address and said location information for receipt by said arbitrary terminal to allow a present location of said mobile communication terminal to be mapped by said arbitrary terminal using said location information and said network address to obtain map information. Claim 23, on the other hand, makes no mention of mapping of a present location of a mobile communication terminal. Further, as previously discussed, support in Sheyenblat is wholly absent from the rejection of Claim 23, so support is also non-existent for the rejections of Claim 46. Thus, Applicant

respectfully requests examination on the merits of Claim 46 and an opportunity to respond in a non-final office action.

Moreover, Applicant respectfully asserts that the cited references fail to teach or suggest the limitations of Claim 46. For example, neither Sheynblat nor Chern teach or suggest transmission of a network address and location information for receipt by an arbitrary terminal. To the contrary, Sheynblat is wholly silent, and Chern describes a browser using a user entered URL to access a web service to satisfy a user's request, as previously discussed. Further, neither Sheynblat nor Chern teach or suggest a present location of a mobile communication terminal to be mapped by an arbitrary terminal using location information and a network address to obtain map information. Instead, both Sheynblat and Chern are wholly silent on any form of terminal mapping a present location to obtain map information.
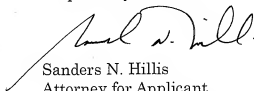
Claims 50-51, 56 and 61

Contrary to the assertions on page 16 of the office action mailed September 5, 2008, Claims 50-51, 56, and 61 are not apparatus claims "corresponding" to the method of Claim 2. To the contrary, Claims 50-51, 56, and 61 include language that is not present in Claim 2. For example, Claim 50 describes a "predetermined data string that is a request for location information," whereas Claim 2 includes no such language. Instead Claim 2 describes "a character string requesting location information acquisition time." Claim 51 describes a request for a state of a user, wherein said state comprises a selectable status indication of a user, whereas such language is clearly not included in Claim 2. Further, Claim 56 describes an information display unit configured to display a menu that includes selectable menu items, whereas such information is not included in Claim 2. Finally, Claim 61 describes displaying menu items in a menu window, and determining whether said predetermined character string is embedded in said selected one of said menu items. Such language is clearly absent from Claim 2. Applicant respectfully requests that examination on the merits and the basis for the rejection of Claims

50-51, 56 and 61 be designated and clearly explained in a non-final office action in order to clarify issues for appeal and to allow the Applicant an opportunity to respond to the specific rejections. *see* MPEP 707

The presently pending claims of this application are allowable and Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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